UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

Original Filed By ECF

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DISABILITY ADVOCATES, INC., :

Plaintiff, :

- against - :

ELIOT SPITZER, in his official capacity as Governor of the State of New York, RICHARD F. DAINES, in his official capacity as Commissioner of the New York State Department of Health, and MICHAEL F. HOGAN, in his official capacity as Commissioner of the New York State Office of Mental Health, THE NEW YORK STATE DEPARTMENT OF HEALTH, AND THE NEW YORK STATE OFFICE OF MENTAL HEALTH, :

Defendants.

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03 CV 3209 (NGG) (MDG)

DEFENDANTS' NOTICE OF MOTION TO EXCLUDE TESTIMONY, REPORTS, AND OPINIONS OF PLAINTIFF'S EXPERT WITNESSES

PLEASE TAKE NOTICE that upon the papers submitted herewith, all papers submitted with defendants' contemporaneous motion for summary judgment, and upon all prior proceedings, the undersigned will move before the Honorable Nicholas G. Garaufis, United States District Judge, pursuant to Rules 104 and 702 of the Federal Rules of Evidence to exclude on summary judgment and/or at trial any testimony, reports, and opinions by plaintiff's proposed experts Elizabeth Jones, Kenneth Duckworth, M.D., Dennis Jones, and Ivor D. Groves, Ph.D. relating to adult home residents' qualifications to move to alternative housing, on the grounds that these experts fail to satisfy the requirements for the admission of expert testimony, and granting such other and further relief as to the Court may seem just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to the order of the Court, responsive papers, if any, shall be served and filed on or before September 28, 2007.

Dated: New York, New York
August 10, 2007

Respectfully submitted,

ANDREW M. CUOMO
Attorney General of the
State of New York
Attorney for Defendants
By:

Barbara K. Hathaway

BARBARA K. HATHAWAY
Assistant Attorney General
120 Broadway
New York, New York 10271
(212) 416-8560

TO: ANNE S. RAISH, ESQ.
PAUL, WEISS, RIFKIND, WHARTON
& GARRISON LLP
Attorneys for Plaintiff
1275 Avenue of the Americas
New York, New York 10019-6064